

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,
ASCOT FUND LTD., GABRIEL CAPITAL
CORPORATION,

Defendants.

SIPA LIQUIDATION

No. 08-01789 (BRL)

(Substantively Consolidated)

Adv. Pro. No. 09-01182 (SMB)

TENTH AMENDED CASE MANAGEMENT PLAN

Irving Picard, Esq., as trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC, and Defendants J. Ezra Merkin, Ascot Partners, L.P., Ascot Fund Ltd., and Gabriel Capital Corporation (“Defendants”) (collectively, the “Parties”) seek to modify the April 23, 2015 Ninth Amended Case Management Plan [ECF No. 26], pursuant to Fed. R. Civ. P. 16(a)(4), as incorporated by Bank. R. 7016.

1. **Summary Judgment Briefing:** Memoranda in Support of Defendants’ Motions for Summary Judgment shall be no more than 50 pages in length. In response to Defendants’ Summary Judgment Motions, the Trustee may file one brief, no more than 100 pages in length. Summary Judgment Reply Memoranda shall be no more than 25 pages. These page limitations

do not include the table of contents and table of authorities. The following shall be the schedule for summary judgment:

October 7, 2015: Motion(s) for Summary Judgment Due.

November 25, 2015: Summary Judgment Response Memoranda Due.

December 18, 2015: Summary Judgment Reply Memoranda Due.

Argument on Summary Judgment Motion(s) will be scheduled following the Court's review of the submissions.

2. Pre-Trial Briefing and Disclosures: The following shall be the schedule for Pre-Trial Briefing and Disclosures:

January 29, 2016: Motions in Limine Due.

January 29, 2016: Parties will exchange Preliminary Witness Lists.

January 29, 2016: Parties will exchange Pre-Marked Exhibits.

February 12, 2016: Motion in Limine Response Briefs Due.

February 19, 2016: Motion in Limine Reply Briefs Due.

February 26, 2016: Joint Pre-Trial Conference Order Due.

March 9, 2016, Final Pre-trial Conference
at 10 am

3. Trial: Trial shall commence on a date to be determined at the Final Pre-Trial Conference.

SO ORDERED.

Dated: September 1, 2015
New York, NY

/s/ Stuart M. Bernstein
STUART M. BERNSTEIN
United States Bankruptcy Judge